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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,115	06/20/2003	John S. Doleac	99-881C1	9783
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VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER FLEURANTIN, JEAN B	
			ART UNIT 2162	PAPER NUMBER
			NOTIFICATION DATE 11/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary

Application No.

10/600,115

Applicant(s)

DOLEAC ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28 30, 36-39, 45-48, 54-55, 59 and 63 is/are rejected.
- 7) ☒ Claim(s) 31-35, 40-44, 49-53, 56-58, 60-62 and 64-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments submitted on 08/22/2007.

The following is the current status of claims:

Claims 1-27 have been canceled.

Claims 28-66 remain pending for examination.

Applicant's arguments filed 08/22/2007 have been fully considered but they are not persuasive for the following reasons, section I (response to argument) and see section II (rejection maintained and objection and repeated below).

Response to Applicant's Arguments

- I.) Applicant's arguments start from page 2 through page 9.

Applicant's arguments with respect to claims 28-66 have been fully considered but they are not persuasive in part. Because, the prior art of record discloses the claimed limitations.

Applicant's arguments (Claims 55, 59 and 63 are not Substantial Duplicates of Claims 28, 37 and 46), page 3, paragraphs 2 and 3, that "In the instant case, independent Claim 28 sets forth a method (and independent Claims 37 and 46 similarly set forth systems) for verifying commands (or generated commands). More particularly, independent Claim 28 (and similarly independent Claims 37 and 46) sets forth a method including the recitation, "generating a subset of said first switch commands generated by said first system." This recitation is absent from the method defined by independent Claim 55 (and the similarly-set forth systems of independent Claims 59 and 63). And for at least this reason, independent Claim 28 (and similarly independent Claims 37 and 46) differs in scope from independent Claim 55 (and similarly independent Claims 59 and 63); and as such, the present application may properly include all of

the respective claims and the claims that depend therefrom." Therefore, it is believed that claims 26 and 22 are not duplicates of each other".

The arguments have been fully considered but they are not persuasive. Because: claim 28 recites:

A method executed in a computer system of verifying generated commands, the method comprising: providing *first switch commands generated by a first system*;

generating a subset of said first switch commands generated by said first system;

providing data used by a second system to generate second switch commands; and

determining whether said data used by said second system corresponds to first switch commands included in said subset, wherein a correspondence between said data and said first switch commands is indicative of said second system being capable of generating at least one second switch command equivalent to a first switch command included in said subset.

Claim 55 recites:

A method of verifying switch commands for a telecommunications network, the method comprising: obtaining from a *first system first executable switch commands* for a telecommunications network;

providing data used by a second system to generate second executable switch commands for the telecommunications network;

comparing the first executable switch commands with the data used by the second system; and,
based on a match between a first executable switch command and the data used by the second system, identifying the matched first executable switch command as being coded by data used by the second system to generate a second executable switch command for the telecommunications network.

Therefore, the objections maintain.

The arguments with respect to 35 USC 101 rejections (dated 10/20/2006) have been fully considered but they are not persuasive, therefore, the rejections have been withdrawn.

In response to applicant's argument, page 4, paragraph 2, that "As conceded by the first Official Action, Cornell does not teach or suggest determining whether data used by a second system corresponds to first switch commands included in a subset of such commands, where correspondence is indicative of the second system being capable of generating second switch command(s) equivalent to a first switch command included in the subset."

It is noted that the Office action dated on 22 May 2007, page 3, paragraph 4, clearly shows "Cornell fails to *explicitly disclose* ...". Thus, the arguments are not persuasive.

In response to applicant's argument, page 5, paragraph 2, that "neither Cornell nor Glaser, taken individually or in combination, teach or suggest at least the determining step of independent claim 28", the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the instant invention relates to systems and methods for analyzing the quality of command generation performed automatically in a computer system; see specification section *field of the invention*.

Correspondingly, Cornell discloses telecommunication systems, in which a system private branch exchange complex connected to the common carrier public telephone network; see col. 1, lines 21-26.

Glaser discloses a method a system managing, controlling and monitoring telecommunications switches; see col. 1, lines 20-24. Therefore, the combination of Cornell and Glaser discloses the claimed invention.

Further, Cornell discloses "a method executed in a computer system of verifying generated commands" (i.e., group of commands is exchanged between the telecommunication switch and the telecommunication control complex; see col. 3, lines 50-53), "providing first switch commands generated

by a first system" (i.e., telecommunication switch controller adapted to generate and receive the primitive commands; see col. 4, lines 2-15); "generating a subset of said first switch commands generated by said first system" (i.e., telecommunication switches being connected to subsets of said pluralities of first communication link; see col. 23, lines 59-65); and "providing data used by a second system to generate second switch commands" (i.e., second telecommunication switch connects to controller to provide interswitch links (second switch); see col. 17, line 51 to col. 18, line 10), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument, page 6, paragraph (comparing first executable switch commands) to page 7 paragraph (identifying a matched first executable switch command), "neither Cornell nor Glaser, taken individually or in combination, teach or suggest comparing first executable switch commands with data used by a second system to generate second executable switch commands, as set forth by independent Claim 55."

"neither Cornell nor Glaser, taken individually or in combination, teach or suggest identifying, based on a match between a first executable switch command and the data used by the second system, the matched first executable switch command as being coded by data used by the second system to generate a second executable switch command for the telecommunications network, as set forth by independent Claim 55."

As set forth, the combination of Cornell and Glaser discloses the claimed invention.

Furthermore, *Glaser discloses based on the match between a first executable switch commands and the data used by the second system, identifying the matched first executable command as being coded by data used by the second system to generate a second executable switch command telecommunication network* (see Glaser col. 17, lines 19-31), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference;

nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

MPEP 2111: During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In *re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir.1999).

For the above reasons, it is believed that the last Office Action dated 22 May 2007 was proper. Therefore, the rejection is maintained.

Claim Objections

II.) Claims 55, 59 and 63 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 28, 37 and 46. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See **MPEP § 706.03(k)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-30, 36-39, 45-48, 54-55, 59 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al., US Pat. No. 4,599,490 ("Cornell") in view of Glaser et al., US Pat. No. 5,875,242 ("Glaser").

As per claims 28, Cornell substantially discloses "a method executed in a computer system of verifying generated commands" (i.e., group of commands is exchanged between the telecommunication switch and the telecommunication control complex; see col. 3, lines 50-53), the method comprising:

"providing first switch commands generated by a first system" (i.e., telecommunication switch controller adapted to generate and receive the primitive commands; see col. 4, lines 2-15);

"generating a subset of said first switch commands generated by said first system" (i.e., telecommunication switches being connected to subsets of said pluralities of first communication link; see col. 23, lines 59-65); and

“providing data used by a second system to generate second switch commands” (i.e., second telecommunication switch connects to controller to provide interswitch links (second switch); see col. 17, line 51 to col. 18, line 10).

Cornell fails to explicitly disclose determining whether said data used by said second system corresponds to first switch commands included in said subset, wherein a correspondence between said data and said first commands is indicative of the second system being capable of generating at least one second switch command equivalent to first switch command including in said subset. However, Glaser discloses determining whether said data used by said second system corresponds to first switch commands included in said subset, wherein a correspondence between said data and said first commands is indicative of the second system being capable of generating at least one second switch command equivalent to first switch command including in said subset (see Glaser col. 17, lines 19-31). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Cornell by determining whether said data used by said second system corresponds to first switch commands included in said subset, wherein a correspondence between said data and said first commands is indicative of the second system being capable of generating at least one second switch command equivalent to first switch command including in said subset as disclosed by Glaser (see Glaser col. 17, lines 25-27). Such a modification would allow the method of Cornell to provide a method that reduces the time and cost associated with the installation of a telecommunication system (see Glaser col. 31, lines 25-28), therefore, improving the accuracy of the method for analyzing the quality of telecommunications switch command tables.

As per claims 29, 38 and 47, Cornell substantially discloses “the actual commands are successfully executed commands” (i.e., the use of such primitive commands permits any modern program-controlled telecommunication switch to be readily adapted to communicate in a standard way with and to be responsive to commands from a telecommunication control complex; see col. 3, lines 54-59).

As per claim 30, Cornell substantially discloses the claimed limitations except said first system is a system for generating first switch commands for a telecommunications network and said second system is a system for generating second switch commands for said telecommunications network, said second switch commands being equivalent to said first switch commands. However, Glaser discloses said first system is a system for generating first switch commands for a telecommunications network and said second system is a system for generating second switch commands for said telecommunications network, said second switch commands being equivalent to said first switch commands (see Glaser col. 17, lines 19-31). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Cornell by said first system is a system for generating first switch commands for a telecommunications network and said second system is a system for generating second switch commands for said telecommunications network, said second switch commands being equivalent to said first switch commands as disclosed by Glaser (see Glaser col. 17, lines 25-27). Such a modification would allow the method of Cornell to provide a method that reduces the time and cost associated with the installation of a telecommunication system (see Glaser col. 31, lines 25-28), therefore, improving the accuracy of the method for analyzing the quality of telecommunications switch command tables.

As per claims 36, 45 and 54, Cornell discloses "said data used by said second system are stored in a database used by said second system, and wherein said data include at least one command parameters and programs used to generate second switch commands" (see col. 17, line 51 to col. 18, line 6).

As per claims 37 and 46, the limitations of claims 37 and 46 are similar to claim 28, therefore, the limitations of claims 37 and 46 are rejected in the analysis of claim 28, and these claims are rejected on that basis.

As per claim 39, the limitations of claim 39 are similar to claim 30, therefore, the limitations of claim 39 are rejected in the analysis of claim 30, and this claim is rejected on that basis.

As per claim 48, the limitations of claim 48 are similar to claim 30, therefore, the limitations of claim 48 are rejected in the analysis of claim 30, and this claim is rejected on that basis.

As per claims 55, 59 and 63, Cornell substantially discloses "a method of verifying switch commands for telecommunication network" (i.e., group of commands is exchanged between the telecommunication switch and the telecommunication control complex; see col. 3, lines 50-53), the method comprising:

"obtaining from a first system executable switch commands for telecommunications network" (i.e., telecommunication switch controller adapted to generate and receive the primitive commands; see col. 4, lines 2-15);

"providing data used by a second system to generate second executable switch commands for the telecommunications network" (i.e., second telecommunication switch connects to controller to provide interswitch links (second switch); see col. 17, line 51 to col. 18, line 10); and

"comparing the first executable switch commands with the data used by the second system" (i.e., telecommunication switches being connected to subsets of said pluralities of second communication link; see col. 23, lines 59-65).

Cornell fails to explicitly disclose based on the match between a first executable switch commands and the data used by the second system, identifying the matched first executable command as being coded by data used by the second system to generate a second executable switch command telecommunication network. However, Glaser discloses based on the match between a first executable switch commands and the data used by the second system, identifying the matched first executable command as being coded by data used by the second system to generate a second executable switch

command telecommunication network (see Glaser col. 17, lines 19-31). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Cornell by based on the match between a first executable switch commands and the data used by the second system, identifying the matched first executable command as being coded by data used by the second system to generate a second executable switch command telecommunication network as disclosed by Glaser (see Glaser col. 17, lines 25-27). Such a modification would allow the method of Cornell to provide a method that reduces the time and cost associated with the installation of a telecommunication system (see Glaser col. 31, lines 25-28), therefore, improving the accuracy of the method for analyzing the quality of telecommunications switch command tables.

Allowable Subject Matter

Claims 31-35, 40-44, 49-53, 56-58, 60-62 and 64-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

Primary Patent Examiner

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